

House Bill 307 (FLOOR SUBSTITUTE)

By: Representatives Ray of the 108th and Black of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 43-45-9 of the Official Code of Georgia Annotated, relating to
2 examination for certification as a structural pest control operator, evidence from applicants
3 as to employment of qualified operators, and insurance requirements, so as to change certain
4 provisions relating to insurance requirements; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 43-45-9 of the Official Code of Georgia Annotated, relating to examination for
9 certification as a structural pest control operator, evidence from applicants as to employment
10 of qualified operators, and insurance requirements, is amended by striking subsections (d),
11 (e), and (f) and inserting in lieu thereof the following:

12 "(d) Each applicant for a license shall submit with the application and each licensee shall
13 submit at the time of renewal of the license a certificate of insurance verifying coverage
14 from either an insurance company ~~licensed~~ authorized to do business in this state or a
15 surplus lines broker licensed by the Commissioner of Insurance. Such coverage shall be
16 in the amount of not less than \$50,000.00 per occurrence, with a minimum annual
17 aggregate of \$200,000.00 for all occurrences, and shall insure the licensee's business
18 against bodily injury and property damage claims. The insurance shall also cover claims
19 for pollution liability caused by sudden and accidental discharge or release of pollutants.

20 (e) In addition to the insurance coverage specified in subsection (d) of this Code section,
21 each licensee for control of wood-destroying organisms shall submit on July 1, 2002, or
22 within 30 days thereafter, each applicant for a license for control of wood-destroying
23 organisms shall submit with the application for a license, and each licensee for control of
24 wood-destroying organisms shall submit at the time of renewal of the license a certificate
25 of insurance verifying coverage during the term of the license from either an insurance
26 company ~~licensed~~ authorized to do business in this state or a surplus lines broker licensed

1 by the Commissioner of Insurance. Such coverage shall be in the amount of not less than
 2 \$100,000.00 per occurrence, with a minimum annual aggregate of \$500,000.00 for all
 3 occurrences and shall insure the licensee's business against bodily injury and property
 4 damage claims arising from the licensee's treatment or services for control of
 5 wood-destroying organisms including, ~~without limitation,~~ errors and omission coverage on
 6 an occurrence basis.

7 (f) No license shall be issued or renewed and no business license shall be issued by a
 8 political subdivision pursuant to Code Section 43-45-15 until the insurance requirements
 9 of this Code section are met. The minimum insurance coverages required by this Code
 10 section must be maintained during the entire period of time a license is in force, ~~and the~~
 11 ~~licensee shall furnish the name, address, and contact telephone number of the insurance~~
 12 ~~carrier to each person receiving treatment or service from the licensee each time treatment~~
 13 ~~or service is furnished.~~ Policies shall contain a cancellation provision whereby notification
 14 of cancellation is made by the insurer to and actually received by the commission, through
 15 the Structural Pest Control Section of the Department of Agriculture, not less than 30 days
 16 prior to the cancellation. Any license or renewal of a license shall be suspended
 17 automatically by operation of law if the insurance coverages are not in force or are
 18 canceled for any reason, unless equivalent insurance is then in effect. It shall be the duty
 19 of the licensee to notify the commission that equivalent insurance is in effect and furnish
 20 proof of such insurance to the commission. If the license or renewal license is not
 21 reinstated within three months, it shall be revoked by operation of law without a hearing.

22 (g) At the time of the issuance of any contract for treatment or service, a statement shall
 23 appear in the contract, in the same size type as other terms and conditions, stating the
 24 following:

25 'The Georgia Structural Pest Control Act' requires all pest control companies to maintain
 26 insurance coverage. Information about this coverage is available from this pest control
 27 company.'

28 SECTION 2.

29 All laws and parts of laws in conflict with this Act are repealed.